

REMARKS

The present amendment is being submitted in response to the Office Action dated September 12, 2002. In the Office Action, the Examiner rejected claims 33 and 35 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. In addition, claim 35 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

With respect to the rejection of claim 35 under 35 U.S.C. §112, first and second paragraphs, Applicants respectfully submit that the present amendment overcomes the rejections thereto. Specifically, claim 35 has been amended to define --a vacuum pump disposed between the container and the tank for pumping the chemicals from the container to the tank--.

With respect to the rejection of claim 33 under 35 U.S.C. §112, first paragraph, Applicants respectfully submit that subject matter of the claim is described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicants respectfully direct the Examiner's attention to page 19 of the specification, lines 20-26, which states as follows:

The reaction tank 522 may have a quantity of a neutralizing chemical that may react with the material entering the reaction tank from the rail tank car. Typical chemicals that may be utilized to neutralize moisture sensitive chemicals (i.e. chemicals that may react with water to form acids such as, for example, chlorine gas and sulfur dioxide gas) may be sodium hydroxide, potassium hydroxide, sodium carbonate, calcium hydroxide, sodium sulfite, sodium thiosulfite, ferrous chloride, solid bed absorbents, *and/or any other material that may be apparent to one having ordinary skill in the art to neutralize acids.*

(Specification, p. 19, lines 20-25, *emphasis added*). As noted, Applicants clearly used expansive language when defining the materials that may be used in the reaction tank. For example, the tank is initially described as having a "neutralizing chemical that may react with the material entering the reaction tank from the rail tank car." Clearly, if Applicants meant to limit the type of chemical contained within the reaction tank, they would not have

included such a generic term. In addition, Applicants further describe the "typical chemicals that may be utilized to neutralize moisture sensitive chemicals". The term "typical" refers to specific examples of chemicals that may be used, and is not meant to represent the total sum of chemicals contemplated by the Applicants.

Indeed, the Applicants finish the list of "typical" examples by stating that the chemicals contemplated may be "any other material that may be apparent to one having ordinary skill in the art." Applicants respectfully submit that a person having ordinary skill in the art would know that "neutralizing chemicals" contained within the tank could also include mixtures of the chemicals listed, or other chemicals not listed that serve the same purpose.

Use of the term "and/or" in line 25 further shows that two or more chemicals could be mixed together, or that a single chemical could be used by itself. In addition, Applicants used the commonly-known expansive term "comprises" in line 7 of claim 33 when defining the material contained within the tank, which clearly shows that the Applicants contemplated that other chemicals may be contained within the tank as well that would necessarily be mixed with the chemicals listed. Therefore, for the reasons stated above, Applicants respectfully traverse the rejection of claim 33 under 35 U.S.C. §112, first paragraph, and respectfully request the Examiner to allow claim 33 as presently written.

CONCLUSION

In view of the foregoing remarks and amendments, Applicants respectfully submit that all of the claims in the application are in allowable form and that the application is now in condition for allowance. Applicants further respectfully submit that neither further search nor consideration would be necessitated by entry of this amendment. Therefore, entry is proper and should be effected.

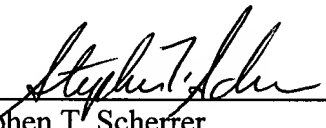
If, however, any outstanding issues remain, Applicants urge the Examiner to telephone the Applicants' attorney so that the same may be resolved and the application

expedited to issue. Applicants respectfully request the Examiner to indicate all claims as allowable and to pass the application to issue.

Respectfully submitted,

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